

**MINUTES
of the
SECOND MEETING
of the
LAND GRANT COMMITTEE**

**October 14, 2020
Video Conference**

The second meeting of the Land Grant Committee for the 2020 interim was called to order by Senator Elizabeth "Liz" Stefanics, chair, on Wednesday, October 14, 2020, at 9:12 a.m. by video and audio conference via an online platform.

Present

Sen. Elizabeth "Liz" Stefanics, Chair
Rep. Miguel P. Garcia, Vice Chair
Sen. Gregory A. Baca
Rep. Susan K. Herrera
Sen. Linda M. Lopez
Sen. Richard C. Martinez
Rep. Matthew McQueen
Rep. Tomás E. Salazar
Rep. Christine Trujillo

Absent

Rep. Rachel A. Black
Rep. David M. Gallegos
Sen. Bill B. O'Neill
Sen. Cliff R. Pirtle
Sen. Sander Rue

Advisory Members

Rep. Eliseo Lee Alcon
Sen. Roberto "Bobby" J. Gonzales

Rep. Christine Chandler
Rep. Harry Garcia
Sen. Stuart Ingle
Rep. D. Wonda Johnson
Sen. Gay G. Kernan
Rep. Patricia A. Lundstrom
Rep. Debra M. Sariñana
Sen. James P. White

Guest Legislator

Sen. Nancy Rodriguez

Staff

Mark Edwards, Bill Drafter, Legislative Council Service (LCS)
Michelle Jaschke, Researcher, LCS
Anthony Montoya, Staff Attorney, LCS

Handouts

Handouts and other written testimony are in the meeting file and posted on the legislature's website.

Wednesday, October 14

Welcome and Introductions

Senator Stefanics welcomed committee and audience members and asked committee members and staff to introduce themselves.

Approval of Minutes

On a motion made and seconded, the minutes of the August 13, 2020 meeting were approved without objection.

Homeland Security and Emergency Management Department (HSEMD) Status Update (9:25 a.m.)

Bianca Ortiz Wertheim, secretary, HSEMD, and Kelly Hamilton, deputy secretary, HSEMD, provided the committee with an update on HSEMD functions and programs. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LGC%20101420%20Item%201%20Dept%20of%20Homeland%20Security.pdf>.

Questions and comments from committee members addressed the following topics:

- surveys and survey mechanisms;
- training sessions and options for community involvement; and
- strengthening notification procedures for land grant communities.

Wildfire and Forest Fire Response and Mitigation Coordination (9:48 a.m.)

Vernon Muller, chief, Resource Protection Bureau, Forestry Division, Energy, Minerals and Natural Resources Department (EMNRD), and state representative, Southwest Coordination Center, National Interagency Fire Center; Erik Litzenberg, fire chief, Santa Fe County; and Venessa Chavez, outreach coordinator, Land Grant Council (LGC), presented information on wildfire mitigation and response programs and statistics on the current regional and local fire season. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=LGC&Date=10/14/2020&ItemNumber=2>.

Questions and comments from committee members addressed the following topics:

- grazing as a wildfire mitigation strategy;
- reinstating local firefighter training programs;
- coordination with the Department of Transportation in fighting wildfires;
- joint powers agreements with pueblos for wildfire responses on native lands;
- federal hotshot firefighting crews and local initial attack crews;
- legislative support for land grant firefighting capabilities;

- land grant involvement in forest action plans;
- distribution of forest action plans to committee members;
- land grant involvement in watershed management; and
- border wall impact on border communities and a request to report findings to the committee.

Watershed Restoration and Fire Recovery (10:53 a.m.)

Laura McCarthy, state forester, Forestry Division, EMNRD, and J. Xavier Montoya, state conservationist for New Mexico, Natural Resources Conservation Service, United States Department of Agriculture, presented an update on the forest action plan, watershed management and fire mitigation, prevention and recovery programs. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=LGC&Date=10/14/2020&ItemNumber=3>.

Questions and comments from committee members addressed the following topics:

- Water Trust Board funding for land grant watershed projects; and
- project evaluation guidelines.

Settlement of *Tierra O Muerte* Case in Tierra Amarilla (11:24 a.m.)

Tania Maestas, chief deputy attorney general, Civil Affairs, Office of the Attorney General (OAG), gave an update on the lawsuit settlement for the recovery of land for Tierra Amarilla. The Guadalupe Hidalgo Treaty Division of the OAG filed a lawsuit to recover land that was transferred illegally in 2003. A warranty deed will be prepared and conveyed to Tierra Amarilla as well as a monetary settlement to cover legal fees and taxes.

A committee member commented on the tour of the Tierra O Muerte site that the committee took during a prior interim and the bunker-style fortifications on that property and noted that those fortifications are indicative of the dedication the community has shown in its efforts to protect and preserve the common lands.

Partitioned Land Grants (11:34 a.m.)

Joseph Padilla, board member, Los Vigiles Partitioned Land Grant, and Ron Ortega, board president, Lower Gallinas Partitioned Land Grant, gave a presentation on the difficulties that land grant partitions have had in gaining access to common lands for forest thinning and wood gathering and provided an overview of legislative attempts to recognize land grant partitions as political subdivisions. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LGC%20101420%20Item%205%20losvigilesunitgov.pdf>.

Questions and comments from committee members addressed the following topics:

- unanimous, bipartisan support for legislation that recognizes land grant partitions as political subdivisions;
- the need for advocacy to generate executive support for a proposed legislative remedy;
- responsibilities that attend political subdivision status;
- the failings of arguments against land grant partition legislation; and
- the committee's continuing commitment to passage of land grant partition legislation.

Natural Resource Protection and Prosecution of Violations (1:05 p.m.)

Andrea La Cruz-Crawford, attorney, The Streeper Firm, LLC, presented information on the challenges of natural resource protection, prosecution and enforcement and the need for creative legislative solutions. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=LGC&Date=10/14/2020&ItemNumber=6>.

Questions and comments from committee members addressed the following topics:

- how suggestions in the presentation compare to natural resource protection and enforcement concepts that the committee discussed in 2019;
- how legal remedies available to acequias may be applied to land grant resource protection issues; and
- how the LGC may be part of an enforcement solution.

Tierra Amarilla Land Grant-Merced (TALG-M) Status Update and Legislative Proposal (1:51 p.m.)

Steve Polaco, board president, TALG-M, Lisa Martinez, board secretary, TALG-M, and Arturo Archuleta, program manager, LGC, presented an overview of 200 years of TALG-M history and the relationship of the land grant-merced to the wildlife management areas near Tierra Amarilla. The panel also presented proposed legislation to afford access to traditional use of resources in wildlife management areas for the land grant-merced with ultimate transfer of the lands to TALG-M. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=LGC&Date=10/14/2020&ItemNumber=7>.

Questions and comments from committee members addressed the following topics:

- the determination of the TALG-M in seeking justice in the restoration of common lands;
- the purpose of the Land Grant Committee and the committee's accomplishments;
- the complexity of land grant-merced issues and how to educate others about those issues; and
- the status of the lands proposed for transfer with respect to private ownership.

Public Comment (3:01 p.m.)

Mr. Archuleta informed the committee that land grants have been actively involved in planning for watershed management and that the committee's involvement continues to be important. He also asked the committee to clarify the ability of land grant boards to purchase land. The chair asked members to send any legislative requests to Mr. Edwards.

Adjournment

There being no further business before the committee, the meeting adjourned at 3:09 p.m.